

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 94-562-C - ORDER NO. 95-361✓
FEBRUARY 8, 1995

IN RE: Joint Petition of the Consumer Advocate) ORDER
for the State of South Carolina and the) HOLDING
South Carolina Cable Television) PETITION
Association to Review Earnings of Southern) IN
Bell for 1993 and 1994.) ABEYANCE

This matter comes before the Public Service Commission of South Carolina (the Commission) on a joint petition of the Consumer Advocate for the State of South Carolina (Consumer Advocate) and the South Carolina Cable Television Association (SCCTA) which petitions this Commission for an Order creating a new docket to review the earnings of Southern Bell Telephone and Telegraph Company (Southern Bell) for calendar years 1993 and 1994.

On September 14, 1994, this Commission issued Order No. 94-943 holding the Petition of the Consumer Advocate and SCCTA in abeyance until such time as the Commission issues its Order in Docket No. 93-503-C. We reasoned that our Order could impact somewhat our decision on Southern Bell's earnings in 1993 and 1994.

We have now issued our Order Nos. 94-1229 and 95-2 in Docket No. 93-503-C. We note that both Southern Bell and the Consumer Advocate have appealed those Orders to the Circuit Court, a portion of those appeals having to do with refunds ordered by us. We believe that this is a substantial issue in that litigation that could affect our decision on earnings for calendar years 1993 and

1994. We believe that it would be the better practice to again hold the Consumer Advocate - SCCTA Petition in abeyance until a final court ruling on the legality of our refund procedure outlined in prior Commission Orders in Docket No. 93-503-C. This would promote judicial economy in that holding the petition in abeyance would not create multiple litigation over the refund issue should the Commission determine that a refund was reasonable for calendar years 1993 and 1994. We, therefore, hold the Consumer Advocate - SCCTA Petition in abeyance until such time as the refund issue involving the 1992 earnings of the Company is resolved in the court system. We will reexamine the matter again at that time. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)